

DEPARTMENT OF ENERGY  
DESIGNATION OF AUTHORITY AND  
DELEGATION OF AUTHORITY ORDER NO. 00-022.00A  
TO THE DIRECTOR, OFFICE OF PROCUREMENT AND ASSISTANCE MANAGEMENT

1. DESIGNATION. Under the authority vested in me as Secretary of Energy, you are hereby designated as the Senior Procurement Executive (as defined by 41 U.S.C. 414 and Executive Order No. 12931 "Federal Procurement Reform," October 13, 1994) for all Departmental elements, except the National Nuclear Security Administration and the Federal Energy Regulatory Commission. As Senior Procurement Executive you have agency-wide responsibility and authority to: provide overall management direction of the Department of Energy's (Department) procurement system; oversee development of procurement goals, guidelines, and innovation; measure and evaluate procurement office performance against stated goals; and enhance career development of the procurement workforce. This authority may not be redesignated. As Senior Procurement Executive you are authorized to approve justifications for other than full and open competition in the case of a contract for an amount exceeding \$50,000,000, without further delegation (41 U.S.C. 253(f)).
  
2. DELEGATION. Under the authority vested in me as Secretary of Energy and pursuant to section 642 of the Department of Energy Organization Act (Public Law 95-91, 42 U.S.C. 7252), I delegate to the Director, Office of Procurement and Assistance Management, the authority to take the following actions:
  - 2.1 Designate Contracting Officers (48 C.F.R. 1.601, 48 C.F.R. 1.603-1, 48 C.F.R. 901.601).
  - 2.2 Designate a program manager to implement an electronic commerce capability for the Department who shall report directly to the Senior Procurement Executive (41 U.S.C. 252c).
  
3. DELEGATION. Under the authority vested in me as Secretary of Energy and pursuant to section 642 of the Department of Energy Organization Act (Public Law 95-91, 42 U.S.C. 7252), I delegate to the Director, Office of Procurement and Assistance Management, the authority to take the following actions for all Departmental Elements except the National Nuclear Security Administration; all programs assigned to the Under Secretary for Energy, Science and Environment; and the Federal Energy Regulatory Commission:
  - 3.1 Designate Heads of Contracting Activities, without further delegation, subject to such thresholds and other limitations as may be appropriate (48 C.F.R. 1.601, 48 C.F.R. 901.601).

- 3.2 Designate a Senior Competition Advocate to perform the duties required by the Competition in Contracting Act of 1984, Public Law 98-369. This authority may not be redelegated (41 U.S.C. 418, 48 C.F.R. 6.501, 48 C.F.R. 906.501).
- 3.3 Designate Contracting Activity Competition Advocates to perform the duties required by the Competition in Contracting Act of 1984, Public Law 98-369. This authority may be redelegated no lower than the Heads of Contracting Activities. A Contracting Activity Competition Advocate shall be appointed for each installation that has been delegated contracting authority (41 U.S.C. 418, 48 C.F.R. 6.501, 48 C.F.R. 906.501).
- 3.4 Assign contracting functions and responsibilities to another agency, and create joint or combined offices with another agency to exercise acquisition functions, without further delegation (41 U.S.C. 261, 48 C.F.R. 1.601, 48 C.F.R. 901.601).
- 3.5 Enter into, approve, administer, modify, close-out, terminate, and take such other actions as may be necessary and appropriate with respect to any procurement transaction binding the Department of Energy to the obligation and expenditure of public funds (42 U.S.C. 7254, 7256).
- 3.6 Approve extraordinary contractual actions, not to exceed \$50,000 to facilitate the national defense, pursuant to Public Law 85-804 and Executive Order No. 10789, as amended (48 C.F.R. 50.201).
- 3.7 Sign applications for permits to procure tax-free spirits from a distilled spirits plant for nonbeverage purposes for use by the Department, as authorized by 26 U.S.C. 5271.
- 3.8 Exercise the authorities under sections 101(a) and 101(c) of the Defense Production Act of 1950 delegated to the Secretary in Department of Commerce (DOC) Defense Priorities and Allocations System (DPAS) Delegation 2, as amended, contained in the DOC DPAS regulation at 15 C.F.R. Part 700. With respect to the section 101(c) authority, the determination that a project will maximize domestic energy supplies and the finding that certain specified materials, services, and/or facilities are critical and essential to that project, as set forth in DOC DPAS Delegation 2, may only be made with the concurrence of the General Counsel and after consultation with the Assistant Secretary for Policy and International Affairs and the Office of Energy Assurance.
- 3.9 Designate a task and delivery order ombudsman to perform the duties required by the Federal Acquisition Streamlining Act of 1994 (Title I, section 1054(a) of Public Law 103-355, 41 U.S.C. 253j(e)).

4. RESCISSION. Delegation Order 00-022.00 is hereby rescinded.

5. LIMITATION.

5.1. In exercising the authority delegated in this Order, a delegate shall be governed by the rules and regulations of the Department of Energy and the policies and procedures prescribed by the Secretary or delegate(s).

5.2. Nothing in this Order precludes the Secretary from exercising any of the authority delegated by this Order.

5.3. Nothing in this Order shall be construed to supersede or otherwise interfere with the authorities provided to the Administrator for Nuclear Security by law or by delegation. Furthermore, nothing herein constitutes authority to exercise authority, direction, or control of an employee of the National Nuclear Security Administration or its contractors.

5.4. Any amendments to this Order shall be in consultation with the Department of Energy General Counsel.

6. AUTHORITY TO REDELEGATE.

6.1. Except as expressly prohibited by law, regulation, or this Order, the Director, Office of Procurement and Assistance Management, may delegate this authority further, in whole or in part.

6.2. Copies of redelegations and any subsequent redelegations shall be provided to the Office of Management Communications, which manages the Secretarial Delegations of Authority system.

7. DURATION AND EFFECTIVE DATE.

7.1. All actions pursuant to any authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of this Order are ratified and remain in force as if taken under this Order, unless or until rescinded, amended or superseded.

7.2. This Order is effective October 4, 2004.

  
Spencer Abraham  
Secretary of Energy